



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306368-20

<b>Development</b>	PROTECTED STRUCTURE: Alterations to previously approved Reg. Ref. 3484/18. and 3309/19 consisting of changes to bicycle storage/stands, alterations to site layout plan. The proposed development is on lands adjacent to protected structures.
<b>Location</b>	765D / 765E, South Circular Road, Dublin 8.
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4236/19
<b>Applicant(s)</b>	Island Bellevue Developments Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Island Bellevue Developments Ltd.
<b>Observer(s)</b>	Mr Eoin O Flynn Mr Simon Finney
<b>Date of Site Inspection</b>	9 <sup>th</sup> March 2020.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

1.1. The appeal site .288 hectares is located within the Islandbridge area to the west of Dublin City Centre on the southern side of the River Liffey and west of the South Circular Road and Sarah Bridge over the River Liffey. The surrounding area is predominantly residential in character and the site forms part of the original Islandbridge Mills Complex. The site is bounded to the south by the Mill Race, to the north by the River Liffey and to the east and west by residential development in the Bellevue apartments. The site is currently under development for residential purposes which incorporates two three storey stone industrial structures formerly mill buildings fronting onto the River Liffey and Mill Race which are protected structures RPS Ref 1852 Island Bridge Mills complex: pre 20<sup>th</sup> Century stone and brick mill buildings and construction and also includes the construction of a new 5 storey block (Block O) to the south (permitted under PL29S246908, and subsequent amendment permissions 3484/18 and 3309/19.)

## 2.0 Proposed Development

2.1. The application as set out in public notices seeks permission for alterations to previously approved development under PI Reg Ref 3484/18 PL Reg Ref 3309/19 also applies. Proposal involves

- (i) Provision of an enclosed bicycle storage unit with connection to services.
- (ii) Removal of approved sheffield bicycle stands to site
- (iii) Alterations to site layout plan.

The proposed development is located on lands adjacent to protected structures.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 3<sup>rd</sup> December 2020 Dublin City Council issued notification of its decision to refuse permission for the following reason

*“The proposed amendment to this scheme to provide for an enclosed bicycle storage structure and the removal of approved Sheffield bicycle stands, by reason of the scale and location of this structure in an area designated as communal open space and nearby existing residential blocks and proximity to a protected structure, would be visually obtrusive and form an incongruous form of development in this area, and would therefore seriously injure both the visual and residential amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area.”*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

3.2.1.1 Planner’s report expresses concern in respect of impact on residential amenity and loss of communal open space. Refusal recommended.

#### **3.2.2. Other Technical Reports**

3.2.2.1 Conservation Officer’s report indicates that there has been no review of the file. Particulars have been discussed with the Planning Officer.

3.2.2.2. Engineering Department Drainage Division. No objection subject to compliance with Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0.

3.2.2.3 City Archaeologists Report refers to Policy CHC9. Development to comply with Condition 12 of previous permission.

### **3.3. Prescribed Bodies**

3.3.1 No submissions

### **3.4. Third Party Observations**

3.4.1 Submissions from neighbouring residents Mr Eoin O Flynn, 125 Bellevue, and Mr Simon Finney, 119 Block I Bellevue raise common concerns regarding negative

impact on visual and residential amenity, noise and disturbance and loss of open space.

- 3.4.2 Submission from Mr Bryan Patten, 38 Bellevue and Director of Bellevue's Owners Management Company CLG., outlines support for the application which will improve bike services for the residents.

## 4.0 Planning History

**3904/19** Refusal of permission for provision of enclosed bicycle storage unit, connection to services. Removal of approved Sheffield stands and alterations to site layout. Refused on grounds of visual obtrusion and negative impact on residential amenity.

**3309/19** Alterations to previously approved development 3484/18. To include passenger lift access to the roof terrace of Block O with associated alterations to plans and elevations. Extension to bin store. Alterations to site boundary walls.

**3484/18** Permission for alterations to previously approved development under PL29S246908.

**PL29S 246908 2732/16** Permission granted for erection of 40 no residential units in 4 blocks together with car parking landscaping and associated site works. The Board omitted Block C from decision.

**PL29S 227538 (07/5898)** Permission granted for mixed use development on the site.

## 5.0 Policy Context

### 5.1. Development Plan

The Dublin City Development Plan 2016-2022 refers.

## 5.2. Natural Heritage Designations

5.2.1 None

## 5.3. EIA Screening

5.3.1 Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Michael Fitzpatrick Architects Ltd on behalf of the first party.

- Scale of structure will ensure that the structure is not visually obtrusive and will not injure the residential and visual amenities of the area.
- Structure aligns with the north façade of the adjoining residential block and is no nearer to the protected structure than the existing residential block.
- In relation to communal open space, the total area of public open space including roof garden area to the existing residential block (372m<sup>2</sup>) and the public open space on the ground (617m<sup>2</sup>) totalling 989m<sup>2</sup> (0.0989ha) equates to 27% of the site area is well above the required 10% as per Dublin City Council Development Plan.

### 6.2. Planning Authority Response

6.2.1 The Planning Authority did not respond to the grounds of appeal.

### 6.3. Observations

6.3.1 Observations are submitted by Eoin O Flynn 125 Bellevue and Simon Finney 119 Bellevue. Both observers raise common grounds of objection to the proposed development for the following reasons:

- Negative impact on residential amenity
- Permitted development which provides for equitable distribution of bicycle stands across the site more appropriate than their concentration in the proposed store.
- Proposal would compromise the earlier decision. 246908.
- Negative impact in terms of outlook, noise and other disturbance.
- Exacerbation of negative impact arising from the protracted construction period.

### 7.0 Assessment

7.1. The main issue arising from the appeal is whether the proposed development represents an appropriate amendment to the permitted layout in terms of its visual impact, impact on the character of the protected structure and impact on residential amenity. The Council's refusal was for the following reason:

*“The proposed amendment to this scheme to provide for an enclosed bicycle storage structure and the removal of approved Sheffield bicycle stands, by reason of the scale and location of this structure in an area designated as communal open space and nearby existing residential blocks and proximity to a protected structure, would be visually obtrusive and form an incongruous form of development in this area, and would therefore seriously injure both the visual and residential amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area.”*

7.2 The first party argues that the proposal to provide an enclosed bicycle storage unit with secure locking doors of simple form and brick finish will protect the character of

the protected structure and its limited scale will ensure that it is not visually obtrusive or injurious to residential amenity. Having reviewed the proposed layout I am inclined to concur with the view of the City Council Planner that the proposal represents an inappropriate amendment in terms of its impact on the protected structure, the resulting loss of a substantial open space area and the impact on residential amenity in terms of visual impact noise and other disturbance. On this basis I consider that the proposed development has not been justified and would be contrary to the proper planning and sustainable development of the area.

- 7.3 On the issue of Appropriate Assessment having regard to the location and nature of the proposed development it is considered that no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in conjunction with other plans or projects on a European Site.

## 8.0 Recommendation

- 8.1. It is recommended that planning permission be refused for the following reasons and considerations.

## 9.0 Reasons and Considerations

Having regard to the design and layout of the character of the existing protected structure (Ref 1852), to the scale and architectural character of the area and the design and layout of the permitted development on the site, it is considered that the proposed enclosed bicycle storage unit, by reasons of its scale and design and location within an area designated as communal open space would fail to integrate satisfactorily with the existing residential blocks and would be injurious to both the visual and residential amenities of the area. The proposed development would therefore be contrary to the proper planning and development of the area.

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Bríd Maxwell  
Planning Inspector

7<sup>th</sup> April 2020.